

b.) Remarks

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,228,804 in view of U.S. Patent No. 6,416,853, both to Nakashima et al. In response, the undersigned hereby avers that

this application and U.S. Patent No. 6,228,804 were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.”

Accordingly, this rejection is now overcome. See MPEP 706.02 (I)(2)(II).


Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 and 19-21 of Nakashima ‘804 in view of Nakashima ‘853. Although this rejection is respectfully traversed, in order to expedite prosecution, enclosed to reduce the issues is a Terminal Disclaimer. Also enclosed is a check in the amount of \$110.00 to cover the fee for submitting a Statutory Disclaimer in conformity with 37 C.F.R. §1.20(d). Of course, any deficiencies may be charged, or any overpayment credited, to Deposit Account No. 06-1205.

In view of the above, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1-9 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants
Lawrence S. Perry
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
LSP\ac

NY_MAIN 417736v1